

BOARD OF REGISTRATION IN PHARMACY
MINUTES MEETING
JANUARY 27, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MA 02114

Present: James DeVita, R.Ph., George Cayer, R.Ph., Kathy Fabiszewski, Ph.D., R.N., Donald Accetta, M.D., Michael Tocco, R.Ph., M.Ed., Stanley Walczyk, R.Ph., William Gouveia, R.Ph., M.S., Joanne Trifone, R.Ph.

Absent: Sophia Pasedis, R.Ph., Pharm.D., Steven Budish, Public Member

Staff: James D. Coffey, R.Ph., Director, Margaret C. Cittadino, Associate Director, Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., Samuel Penta, R.Ph., Superv., Cheryl Latham, Inv., James C. Emery, Pharmacy Technician, Investigator.

1. 8:30 a.m. **CALL TO ORDER**
Pres. DeVita called meeting to order.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
3. 8:40 a.m. LICENSING: Pharmacy/Wholesale Distributor Applications
Assoc. Dir. Cittadino

Nuclear Pharmacist

Christopher Leon, R.Ph. (MA Pharmacist Lic. No. 25965)

New Pharmacy/Pharmacy Department

Sam's Pharmacy 10 6648, Proposed: 1110 Fall River Ave., Seekonk
Walgreens Pharmacy 09477, Proposed: 2177 Ocean St., Marshfield
Walgreens Pharmacy 11119, Proposed: 720 Main St., Clinton
Walgreens Pharmacy 01907, Proposed 983 Providence Highway, Dedham

Change of Manager

Big Y 19, Ludlow (Reg. No. 3077)
CVS 610, Fairhaven (Reg. No. 24018)
CVS 5874, Boston (Reg. No. 3293)
CVS 632, Lowell (Reg. No. 01850)
CVS 685, Bedford (Reg. No. 2646)
CVS 861, Brockton (Reg. No. 3550)
CVS 1576, Bourne (Reg. No. 3505)
CVS 166, Worcester (Reg. No. 3449)
CVS 252, Medford (Reg. No. 17001)
CVS 604, Concord (Reg. No. 23775)
CVS 1212, Brookline (Reg. No. 1978)
CVS 1248, Brockton (Reg. No. 2875)
CVS 301, Stoneham (Reg. No. 15968)
CVS 3307, Boston (Reg. No. 3205)
CVS 119, Wakefield (Reg. No. 16934)

CVS 1576, Bourne (Reg. No.3505)
CVS 746, Randolph (Reg. No.2818)
CVS 301, Stoneham (Reg. No.15968)
New England Home Therapies, Southboro (Reg. No. 3486)
Rite Aid 10201, Fall River (Reg. No.02723)
Rite Aid 10161, Somerville (Reg. No.3144)
Rite Aid 10101, Hudson (Reg. No.2397)
Rite Aid 10139, Hingham (Reg. No. 3111)
Rite Aid 10184, Rockland (Reg. No. 3091)
Rite Aid 10180, Middleboro (Reg. No. 3126)
Rite Aid 10133, Gloucester (Reg. No. 3109)
Rite Aid 10172, Melrose (Reg. No. 2405)
Rite Aid 10121, N. Reading (Reg. No. 2420)
Stop & Shop 415, Brockton (Reg. No. 2523)
Wal-Mart 10 2157, N. Dartmouth (Reg. No. 2734)
Wal-Mart 10 2095, Wareham (Reg. No. 2738)
Wal-Mart 10 2366, N. Attleboro (Reg. No. 2741)
Walgreens 3251, Waltham (Reg. No. 2849)
Walgreens 3758, Brockton (Reg. No. 2759)
Walgreens 6939, Medway, (Reg. No. 3339)
Walgreens 5755, Stoughton (Reg. No. 1368)

Pharmacy Transfer of Ownership

Bill's Pharmacy of Great Barrington, Inc., d/b/a Bill's Pharmacy,
362 Main St., Suite 2, Great Barrington, MA 01230 (Reg. No. 7606) TO
CVS/pharmacy #8970, 362 Main St., Suite 2, Great Barrington, MA 01230

Renovation and Expansion (or as noted)

CVS 1022, Cambridge (Reg. No. 1556)
CVS 0720, Dorchester (Reg. No. 1003)
CVS 0674, Needham (Reg. No. 1023)
CVS 2201, Dedham (Reg. No. 2770)
CVS 0008, Shrewsbury (Reg. No. 2926)
CVS 0735, South Yarmouth (Reg. No. 2841)
CVS 1882, Fitchburg (Reg. No. 3047)
Brigham and Women's Hospital Nuclear Pharmacy, 75 Francis St., Boston
(Nuclear Pharmacy Reg. No. 16)
Wal-Mart 10 2157, N. Dartmouth (expansion) (Reg. No. 27341)
Wal-Mart 10 3491, Methuen (renovation) (Reg. No. 30721)
Wal-Mart 10 2366, N. Attleboro (renovation) (Reg. No. 2741)
Wal-Mart 10 2157, N. Dartmouth (renovation) (Reg. No. 2734)

Closing

CVS 1032, 199 Plain St., Lowell (Reg. No. 1605) transfer of records/
inventory TO CVS 768, 39 Chelmsford St., Chelmsford (Reg. No. 1157)
Eaton Apothecary 2050, Topsfield (Reg. No. 3166) transfer of records and
inventory TO CVS 1011, 311 Newbury St., Danvers (Reg. No. 3537).
Rite-Aid 10154, 4600 Washington St., Roslindale (Reg. No. 3137) transfer of
records/inventory to Rite-Aid 10157, 1329Hyde Park (Reg. No. 3114)

Relocation

CVS 301, 93 Main St., Stoneham TO 87 Main St., Stoneham
Big Y 25, 17 Depot St., Adams TO 1 Myrtle St., Adams
Apothecare South Shore Inc. FROM 7 Marble St., Whitman TO
720 Centre St., Brockton

Motion/Walczyk to approve above-referenced applications, subject to compliant inspections and noted conditions. Second/Accetta. All in favor.
DeVita and Tocco recused from all above CVS applications.
Trifone recused from all above Walgreens applications.

4. 8:45 a.m. UPDATES - Dir. James D. Coffey

- Introduction of Northeastern University, Bouve College of Health Sciences, School of Pharmacy Pharm.D. candidate - Terence Khuu
- Copy of amended Prescription Monitoring Program (PMP) Regulations (247 CMR 2.00 and 5.00) distributed (reporting implementation date 1/1/09) - revised PMP reporting requirements (Mass. Register publish date 1/9/09)
- 12/31/08 FAQs re: Prescription Monitoring Program amendments distributed
- Collaborative Drug Therapy Management legislation (Senate 2706): Gov. Patrick signed legislation on January 15, 2009 (adding new GL c. 112, ss. 24B1/2 and 24B3/4; amending GL c. 94C, ss. 7 and 9) allowing physicians and pharmacists to enter into Collaborative Practice Agreements, as specified in the statute, in institutional and community pharmacies. Board, DCP, and Board of Registration in Medicine are directed to develop regulation. Staff will review legislation and report to Board in March.

5. 9:00 a.m. BOARD PLANNING/OBJECTIVES 2009 - Pres. DeVita

Pres. DeVita provided overview of file review process and discussed development of Advisory Letter protocols and proposed regulations.

6. 9:15 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervisor/Investigator;
James C. Emery, Investigator; Cheryl Lathum, Pharm.D., R.Ph.,
Investigator, Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-2008-0036	Voluntary Surrender
2	PHA-2008-0015 Drugstore	Dismiss w/Advisory Letter
3	PHA-2008-002	Voluntary Surrender
4	SA-2008-0825-DS-015	Dismiss
5	SA-2008-0915-DS-019	Dismiss
6	PHA-2008-0026	Tabled

7	PHA-2008-0037	Voluntary Surrender
8	SA-20080818-DS-008	Dismiss
9	SA-200818-DS-009	Dismiss w/Advisory Letter
10	SA-2008-0822-DS-012	Dismiss
11	SA-2008-0916-DS-015	Dismiss
12	SA-2008-1010-DS-022	Dismiss w/Advisory Letter
13	PHA2008-0020	Dismiss w/Advisory Letter
14	SA20080917-DS-020	Dismiss w/Advisory Letter

7. 10:15 a.m. NEW PHARMACY APPLICATION Appearance
Central Pharmacy Boston, Inc.
Proposed: 1304-1312A Commonwealth Ave., Boston, MA 02134

Present: Proposed MOR William P. Flaxer, R.Ph. (No. 15862) and Paul M. Garbarini, Esq.

Board reviewed proposed MOR experience (independent owner and most recently retail pharmacy). Flaxer doesn't speak Russian (projected clientele); however, pharmacy owner and interpreter speak Russian and will be available to him at all times.

Motion/Cayer to request additional information from proposed MOR regarding prior employment. Second/Gouveia. All in favor.

8. 10:45 a.m. NEW REGULATION UPDATE - Medication Error Reporting

Proposed Medication Error Reporting regulations (M.G.L. c.112, now s. 39D) revisions reviewed.

Motion/Walczyk vote to forward draft regulations to EOHHS and EO Administration and Finance for approval to schedule public hearing on proposed regulations. Second/Gouveia. All in favor.

9. 11:15 a.m. REPORT OF OFFICE OF GENERAL COUNSEL
Pending Legal Matters - Susan Manning, Board Counsel
Review and Discussion of Complaints and Other Matters
Closed Session (M.G.L. c. 112, s. 65C)

11:30 a.m. Motion/DeVita to enter Closed Session. Second/Trifone.
All in favor.

11:45 a.m. Motion/Tocco to enter into Open Session. Second/Walczyk.
All in favor.

In the Matter of Bruce Klein, R.Ph. (Reg. No. 17604) – Request for reinstatement per Consent Agreement (Complaint Docket No. PH-00-125 and PH-02-111). Klein has completed internship hours (Edgewood Pharmacy) and satisfied examination requirements NAPLEX and MPJE. Motion/Cayer to reinstate on probationary (5 year) status. Second/Trifone. All in favor.

In the Matter of Michael Wynne, R.Ph. (Reg. No. 17353) – Complaint Docket No. PHA-2008-0026.

Motion/Trifone to accept Voluntary Surrender; may petition after one year suspension from surrender date; MPRS referral for evaluation; followed by probation term (two years if no MPRS), MPJE, medical approval for return to practice. Second/Walczyk. Recused; DeVita. Motion carried.

In the Matter of Wanda Lopez (Technician No. PT9621) – Docket No. PHA- 2009-0007. Motion/ Walczyk to accept Voluntary Surrender Statement. Second/Gouveia. All in favor.

In the Matter of Inna Rizhanovskaya, R.Ph. (Reg. No. 17353) – Complaint Docket No. PH-27128.

Motion/Cayer to issue Advisory Letter with five (live Law) CEs. Second/Gouveia. All in favor.

10. 11:45 a.m. FLEX DISCUSSION

New Business

Individual Applications and Other

- a) **Pharmacist Reciprocal** Licensure applicant - Seny Lin Salvon,
Motion/Trifone to approve application. Second/Cayer.

Recuse: DeVita and Tocco. Motion carried.

- b) **Pharmacy Intern Applicants** - Ryan Taylor Kopec
Abdul Rauf Bello
Frank Ackley III

Motion/Trifone to approve above Pharmacy Intern applications.
Second/Gouveia. All in favor.

- c) Matter of Pharmacy Intern Applicant - Matthew Jarrod Jennings.
Motion Cayer to refer to MPRS. Second/Trifone. All in favor.

- d) **Pharmacy Technician Applicants** - Anthony Davies
Daniel White

Motion/Cayer to approve application. Second/Trifone.
Recuse: DeVita and Tocco. Motion carried.

- e) Matter of Erica Kerswell - Pharmacy Technician Applicant
Motion/DeVita schedule to appear before Board. Second/Trifone.
All in favor.

- f) Review of Memorandum regarding proposed Board Policy "Appropriate and Effective Management of Pain - Dir. Coffey distributed memo. Board to schedule DHPL Director and staff, as well as Mass. Pain Initiative representatives, to appear before Board to review proposed policy.
- g) NABP/AACP Districts 1 and 2 Meeting Resolutions - Pasedis to present overview at February Board meeting
- h) Marcia D. Codling, R.Ph. (No. 17404/ Exp. 12/31/1992) - Reinstatement inquiry.
Motion/DeVita to complete 1500 internship hours, NABPLEX and MPJE examinations. Second/Walczyk. All in favor.
- i) Memorandum from NABP Re "Proposed Resolutions to NABP Constitution and Bylaws": Deadline for submission is April 2, 2009.
- j) Discussion related plans to recognize former Board member Marilyn Barron
- k) Nomination of Voting Delegate and Alternate Delegate/NABP Annual Meeting/Miami, FL/May 16-19, 2009.
Pasedis volunteered to be NABP delegate. Other members to notify Dir. Coffey if planning to attend as alternate delegate.
- l) Matter of Pharmacy Intern Applicant - Karryn Dearborn. Motion Cayer to refer to MPRS. Second/Trifone. All in favor.

Old Business

12:00 noon Motion/DeVita to enter into Closed Session. Second/Trifone.
All in favor.

12:10 p.m. Motion/Cayer to return to Open Session. Second/Walczyk. .
All in favor.

- a) Review and discussion of Complaints following 12/9/08 Investigative Conference

In the matters of Rite Aid Pharmacy – Multiple Complaint Docket Nos.

Drugstores: Motion/DeVita to issue Advisory Letters (25 locations), based on corrective actions taken by Rite-Aid after Board notification of deficiencies; conditions deemed related to purchase of Brook/Eckerd Pharmacy and transition to new systems/procedures/staffing changes. Second/Walczyk. All in favor.

Technicians (4) : Motion/Cayer to issue Advisory Letters; transition related renewal procedure matter. Second/Gouveia.

In Favor: Cayer, Fabiszewski, Accetta, Trifone, Gouveia, Walczyk.
Opposed: DeVita. Abstain: Tocco. Motion passed.

- b) Review and discussion of Complaints following 10/21/08 Investigative Conference

In the Matters of Louis and Clark Drug Store, Inc. - Complaint Docket nos. DS-08-117, PH-08-004, DS-08-120, DS-08-060, DS-08-053 and DS-08-059.

Motion/Gouveia revise proposed agreement terms as discussed.
Second/Gouveia. All in favor.

11. 12:15 p.m. LUNCH

12. 1:15 p.m. SUBCOMMITTEE MEETINGS - Update and Discussion

MOR Checklist: Cayer

Review/finalization of Self-Inspection form.

CQI: DeVita

Overview provided.


In Office Use – Transfer of Prescriptions: Trifone

Review of Transfer of Prescription Draft Policy – Dir. and Board Counsel will clarify if any additional approvals for policy required to adopt.

Central Pharmacy Prescription Processing: Trifone

13. 2:30 p.m. Motion/DeVita to adjourn meeting. Second/Trifone. All in favor.

Respectfully submitted by:



James D. Coffey, R.Ph.
Director
Date: 7/23/09

Reviewed by Counsel: May 10, 2009

Draft approved: May 10, 2009

Board approved: June 23, 2009

BOARD OF REGISTRATION IN PHARMACY
GL c. 112, s. 65C and Other Closed SESSION MINUTES
TUESDAY, JANUARY 27, 2009
239 CAUSEWAY STREET, ROOM 206
BOSTON, MASSACHUSETTS 02114

11:30 a.m. Motion/DeVita to enter Closed Session. Second/Trifone.
All in favor.

UPDATES – Meetinghouse Pharmacy and Baldwin I. Ihenacho. R.Ph.

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All in favor.

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All in favor.

- a) In the matter of Rite Aid Pharmacy – Multiple (25) Complaint Docket Nos. - Review and discussion of Complaints following 12/9/08 Investigative Conference.
- b) Louis and Clark Drug Store, Inc. - Complaint Docket nos. DS-08-117, PH-08-004, DS-08-120, DS-08-060, DS-08-053 and DS-08-059 – Review and discussion of Complaints following 10/21/08 Investigative Conference

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All in favor.

Reviewed by Counsel: May 10, 2009
Draft approved: May 10, 2009
Board approved: June 23, 2009